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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,901

06/05/2006

Gunther Hesse

13156-00034-US

5655

23416

7590

02/23/2009

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EXAMINER

AUGHENBAUGH, WALTER

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

02/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,901	Applicant(s) HESSE ET AL.	
	Examiner WALTER B. AUGHENBAUGH	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2008 and 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 11, 2008 has been entered.

Acknowledgement of Applicant's Amendments

2. Applicant's amendment in claim 1 in the Amendment filed November 11, 2008 has been received and considered by Examiner.

WITHDRAWN REJECTION

3. The 35 U.S.C. 102 rejection of claims 1-6 made of record in the previous Office Action mailed September 17, 2008 as being anticipated by Ries et al. (USPN 6,783,821) has been withdrawn due to Applicant's amendment in claim 1 in the Amendment filed November 11, 2008.

NEW REJECTION

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (USPN 6,228,912).

In regard to claim 1, Campbell et al. teach a casing (housing) for an electronic device comprising a cathode-ray tube (col. 17, line 58-col. 18, line 21: Campbell et al. teach that the casing is suitable for use as a monitor housing [col. 18, line 9], and that computer monitors include cathode ray tubes [col. 17, line 65-67]). Campbell et al. teach that the casing comprises a heat-resistant, flame-retardant thermoplastic (see, for example, col. 1, lines 44-67), and that the casing is injection molded (see, for example, col. 17, lines 58-65). Campbell et al. teach that the thermoplastic material has a polyamide-based structure because Campbell et al. teach that a polyamide is a suitable component of the thermoplastic material (col. 2, lines 7-21).

While Campbell et al. teach that for resinous compositions such as polyamide compositions, there is often an improvement in melt flow and/or other physical properties when one molecular weight grade of at least one resinous constituent is combined with a relatively lower molecular weight grade of similar resinous constituent (col. 6, lines 34-41, 46-56 and 62-66), Campbell et al. fails to explicitly teach an embodiment where the thermoplastic material comprises a mixture of at least two polyamides with different solution viscosities. Campbell et

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al. also do not explicitly teach an embodiment where a casing corresponding to the invention of Campbell et al. actually comprises a cathode-ray tube or a flat screen.

However, since Campbell et al. teach that a polyamide is a suitable component of the thermoplastic material (col. 2, lines 7-21) and that for resinous compositions such as polyamide compositions, there is often an improvement in melt flow and/or other physical properties when one molecular weight grade of at least one resinous constituent is combined with a relatively lower molecular weight grade of similar resinous constituent (col. 6, lines 34-41, 46-56 and 62-66), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a blend of one molecular weight grade of at least one polyamide and a relatively lower molecular weight grade of another (similar) polyamide in order to improve the melt flow and/or other physical properties of the composition as taught by Campbell et al.

A blend of one molecular weight grade of at least one polyamide and a relatively lower molecular weight grade of another (similar) polyamide is a blend of polyamides having different solution viscosities because the two polyamides are different materials, and therefore have different properties (including different solution viscosities).

Furthermore, since Campbell et al. teach that the casing is suitable for use as housings for various electronic devices (col. 17, line 58-col. 8, line 21) such as a monitor housing (col. 18, line 9) and that computer monitors include cathode ray tubes (col. 17, line 65-67), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have housed an electronic device comprising a cathode-ray tube, or a flat screen computer monitor (which is also a computer monitor), since the composition of Campbell et al. is suitable for use

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as a housing for various electronic devices such as a monitor housing as taught by Campbell et al.

In regard to claim 2, Campbell et al. teach that nylon-6 is a suitable material for the polyamide (col. 2, lines 7-20), so it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used nylon-6 as one of the polyamides of the blend of polyamides taught by Campbell et al. as discussed above in regard to claim 1.

In regard to claim 3, Campbell et al. teach that nylon-6,6 is a suitable material for the polyamide (col. 2, lines 7-20), so it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used nylon-6,6 as one of the polyamides of the blend of polyamides taught by Campbell et al. as discussed above in regard to claim 1.

In regard to claim 4, Campbell et al. teach that the flame retardants (the phosphoramidate flame retardant and the adjunct flame retardant) are non-halogenated because Campbell et al. do not require that the flame retardants are non-halogenated (see, for example, col. 1, lines 44-65 and col. 13, line 8-col. 14, line 64).

In regard to claim 6, as discussed above in regard to claim 1, Campbell et al. teach that the composition of Campbell et al. is suitable for use as a housing for various electronic devices such as a monitor housing.

In further regard to claim 6, Campbell et al. teach the casing as discussed above in regard to claim 1, and that the casing is suitable for use as housings for various electronic devices (col. 17, line 58-col. 8, line 21) such as a television monitor housing and television backplates (col. 17, line 65-col. 18, line 2) and that television monitors include cathode ray tubes (col. 17, line 65-67), it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to have housed a television monitor, since the composition of Campbell et al. is suitable for use as a housing for various electronic devices such as a television monitor housing as taught by Campbell et al.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (USPN 6,228,912) in view Nishihara (USPN 6,790,887).

Campbell et al. teach the casing as discussed above in regard to claims 1 and 4. Campbell et al. teach that the composition may comprise a blend of polycarbonate and polyamides (col. 2, lines 3-21).

Campbell et al. fails to teach that the any of the flame retardants of Campbell et al. (the phosphoramidate flame retardant and the adjunct flame retardant) are melamine cyanurate.

Nishihara, however, disclose a flame resistant composition that comprises polycarbonate, polyamide and a flame retardant (col. 8, lines 32-43), and that melamine cyanurate is a preferred flame retardant (col. 18, line 66-col. 19, line 11 and col. 27, lines 5-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used melamine cyanurate as the adjunct flame retardant of Nishihara since melamine cyanurate is a suitable flame retardant for flame resistant thermoplastic compositions as taught by Nishihara.

Response to Arguments

7. Applicant's arguments presented in the Amendment filed November 11, 2008 in regard to the 35 U.S.C. 102 rejection of claims 1-6 as being anticipated by Ries et al. (USPN 6,783,821) are moot due to the withdrawal of this rejection in this Office Action due to Applicant's amendment in claim 1 in the Amendment filed November 11.

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Examiner notes that Applicant states that “even if different polymers are used, these may have the same solution viscosity”. However, one of ordinary skill in the art recognizes that different materials have different properties by virtue of the fact that they are different materials.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Walter B Aughenbaugh /
Examiner, Art Unit 1794

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